IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5828 OF 2005

Sunil Anant Shinde. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri K.S.Patil for the Applicant.

Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 19th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The offence alleged against the Applicant and co-accused is under sections 302, 324, 147, 149 of the Indian Penal Code.

2. The allegation of the prosecution is that the Applicant and the co-accused assaulted the deceased on his head by a weapon known as "Kukri". The learned Advocate for the Applicant submitted that no specific role has been ascribed to the Applicant and there is no recovery made at the instance of the Applicant.

3. A perusal of the Post-mortem notes shows that there are not less than 20 injuries on the person of the deceased and many of the injuries are on the head. The cause of death as seen from the Post-mortem notes is due to the head injury.

4. In my view, there is sufficient material on record to show the complicity of the Applicant. There is no reason to take a view which is different from the view taken by the Sessions Court. The application is rejected. The trial is expedited.

Judge.